



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER
901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

COPY MAILED

APR 13 2009

OFFICE OF PETITIONS

In re Application of :
Hosokawa, et al. :
Application No. 10/549,359 : **DECISION ON PETITION**
Filed: September 14, 2005 :
Attorney Docket No. 01165.0945- :
00000 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 25, 2009.

The petition is **GRANTED**.

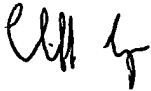
The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed July 24, 2008. This Office action set a shortened statutory period for reply of three (3) months. Therefore, the last day a reply could have been timely filed, with a three month extension of time, would have been January 26, 2009 (as January 24, 2009 fell on a Saturday. See 37 CFR 1.7(a)). The Office mailed a Notice of Abandonment on February 3, 2009, stating that no reply had been received.

A review of the application file reveals the presence of an Amendment, filed on January 26, 2009, made timely by obtaining a three month extension of time. A review of Office finance records confirms that the Office received the fee for the three month extension of time on that same day. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 1794 for consideration of the Amendment, timely filed with a three month extension of time on January 26, 2009).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions